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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,209	05/24/2006	Burkard Otto Herbert	W1.2098PCT-US	5293
7590 Douglas R Hanscom Jones Tullar & Cooper P O Box 2266 Eads Station Arlington, VA 22202			EXAMINER NICHOLSON III, LESLIE AUGUST	
			ART UNIT	PAPER NUMBER
			3651	
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			08/07/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/540,209

**Applicant(s)**

HERBERT ET AL.

**Examiner**

LESLIE A. NICHOLSON III

**Art Unit**

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 134-136, 153-161 and 164-172 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 134-136, 153-161, 164-172 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/28/08, 6/19/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. In the information disclosure statement filed 4/28/2008, reference DE 668877 has not been considered because a copy of the reference has not been submitted.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 134-136,153-161,164-172 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 135,172 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maylander USP 5,328,437 in view of Treff USP 3,734,487.

Maylander discloses a device comprising:

- A longitudinal cutting arrangement including at least first and second web cutters (3,4)
- A former (11,12) located after, in said path of travel, said longitudinal cutting arrangement (fig.1a)

- A former drive mechanism (36) (C4/L55-C5/L1)
- A control system adapted to control the former drive mechanism in response to print preparation stage data supplied to said control system (C2/L40-53)

Maylander does not expressly disclose a cutting arrangement drive mechanism or means supporting said first and second web cutters or the control system adapted to control the cutting arrangement drive mechanism in response to print preparation stage data supplied to said control system.

Treff teaches a cutting arrangement drive mechanism (M; fig.2A) and means (21) supporting said first and second web cutters and the control system adapted to control the cutting arrangement drive mechanism in response to print preparation stage data supplied to said control system (C1/L50-59) for the purpose of producing a wide variety of interleaving patterns in the webs (C1/L32-36).

At the time of invention it would have been obvious to one having ordinary skill in the art to provide a cutting arrangement drive mechanism and means supporting said first and second web cutters and the control system adapted to control the cutting arrangement drive mechanism in response to print preparation stage data supplied to said control system, as taught by Treff, in the device of Maylander, for the purpose of producing a wide variety of interleaving patterns in the webs.

5. Claims 134,136,153-157,164 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maylander USP 5,328,437 in view of Treff USP 3,734,487 further in view of McVenes USP 5,379,211.

Maylander discloses all the limitations of the claim and further discloses a turning bar unit (9) located before said former and after said web cutter (fig.1a), a common stand (33,34; fig.3), and at least two web processing tools (3,4) engageable with said cylinder (2), but does not expressly disclose a separate drive mechanism for said turning bar or the control system adapted to control the turning bar drive mechanism in response to print preparation stage data supplied to said control system.

McVenes teaches a separate drive mechanism (32,34) (fig.2) for said turning bar and the control system adapted to control the turning bar drive mechanism in response to print preparation stage data supplied to said control system (C2/L3-14, summary) for the purpose of adjusting the system for specific configuration of a particular job (summary).

At the time of invention it would have been obvious to one having ordinary skill in the art to provide a separate drive mechanism for said turning bar and the control system adapted to control the turning bar drive mechanism in response to print preparation stage data supplied to said control system, as taught by McVenes, in the device of Maylander, for the purpose of adjusting the system for specific configuration of a particular job.

Regarding claim 164, Maylander does not expressly disclose a second longitudinal folder, however, at the time of invention it would have been obvious to one having ordinary skill in the art to provide a second longitudinal folder to provide additional required folds in a web.

6. Claim 158 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maylander USP 5,328,437 in view of Treff USP 3,734,487 and McVenes USP 5,379,211 further in view of Moser PGPub 2003/0071162.

Maylander discloses all the limitations of the claim, but does not expressly disclose a roll changer with at least one transversely movable roll arm.

Moser teaches the use of a roll changer with at least one transversely movable roll arm (fig.3) for the purpose of replacing rolls.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a roll changer with at least one transversely movable roll arm, as taught by Moser, in the device of Maylander, for the purpose of replacing rolls.

7. Claims 159-161 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maylander USP 5,328,437 in view of Treff USP 3,734,487 and McVenes USP 5,379,211 further in view of Mack USP 4,848,632.

Maylander discloses all the limitations of the claim, but does not expressly disclose at least one transversely movable sensor.

Mack teaches the use of at least one transversely movable sensor (13,14) for the purpose of guiding a moving web of material (C1/L6,7).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ at least one transversely movable sensor, as taught by Mack, in the device of Maylander, for the purpose of guiding a moving web of material.

8. Claim 165 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maylander USP 5,328,437 in view of Treff USP 3,734,487 and McVenes USP 5,379,211 further in view of Loquet USP 5,707,054.

Maylander discloses all the limitations of the claim, but does not expressly disclose at least one transversely movable web longitudinal perforation device.

Loquet teaches the use of at least one transversely movable web longitudinal perforation device (18) for the purpose of preparing the web to be cut into sheets.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ at least one transversely movable web longitudinal perforation device, as taught by Loquet, in the device of Maylander, for the purpose of preparing the web to be cut into sheets.

9. Claims 166,168-170 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maylander USP 5,328,437 in view of Treff USP 3,734,487 and McVenes USP 5,379,211 further in view of Hartmann DE 10003025.

Maylander discloses all the limitations of the claim, but does not expressly disclose the at least one actuating member includes a rotatable threaded spindle or an electric motor.

Hartmann teaches the at least one actuating member includes a rotatable threaded spindle (54) and an electric motor (C3/L14-15) for the purpose of easily allowing the carriages to reciprocate relative one another (C3/L7-16).

At the time of invention it would have been obvious to one having ordinary skill in the art to provide the at least one actuating member with a rotatable threaded spindle and an electric motor, as taught by Hartmann, in the device of Maylander, for the purpose of easily allowing the carriages to reciprocate relative one another.

10. Claim 167 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maylander USP 5,328,437 in view of Treff USP 3,734,487 and McVenes USP 5,379,211 and Hartmann DE 10003025 further in view of Lehrrieder USP 5,263,414.

Hartmann discloses all the limitations of the claim, but does not expressly disclose a sliding block in engagement with said threaded spindle.

Lehrrieder teaches a sliding block (46) in engagement with said threaded spindle (48) for the purpose of shifting a web guide roller (abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a sliding block in engagement with said threaded spindle, as taught by Lehrrieder, in the device of Hartmann, for the purpose of shifting a web guide roller.

11. Claim 171 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maylander USP 5,328,437 in view of Treff USP 3,734,487 and McVenes USP 5,379,211 further in view of Michalik USP 6,139,003.

Maylander discloses all the limitations of the claim, but does not expressly disclose a grooved roller.

Michalik teaches the use of a grooved roller (33) for the purpose of integrating a cutting arrangement with a conveying arrangement (C2/L47-51).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a grooved roller, as taught by Michalik, in the device of Maylander, for the purpose of integrating a cutting arrangement with a conveying arrangement.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LESLIE A. NICHOLSON III** whose telephone number is (571)272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

Art Unit: 3651

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/  
Supervisory Patent Examiner, Art  
Unit 3651

/L. A. N./  
Examiner, Art Unit 3651  
7/25/2008